



[10191/1711]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : BECKER et al.  
Serial No. : 09/763,138  
Filed : April 20, 2001  
For : DEVICE AND METHOD FOR HIGH-RATE ETCHING  
SUBSTRATE USING A PLASMA ETCHING SYSTEM AND  
DEVICE AND METHOD FOR IGNITING A PLASMA AND  
ADJUSTING UPWARD OR PULSING THE PLASMA POWER  
Examiner : L. Schillinger  
Art Unit : 2813

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail in an envelope  
addressed to: Assistant Commissioner for Patents, Washington,  
D.C. 20231, on

Dated: 12/31/02

Reg. 41,172

Commissioner for Patents  
Washington, D.C. 20231

Signature

DERVIS MAGISTRE  
KENYON & KENYON

ELECTION TRANSMITTAL

SIR:

Please find an Election With Traverse transmitted  
herewith for filing in the above-identified patent application.  
Applicants respectfully request a three-month extension of time  
in which to respond to the Office Action dated September 16,  
2002, for which a response period expiring on October 16, 2002  
was set. The extended period expires on January 16, 2003.

Please charge the \$920.00 extension fee and any  
additional fees required to Deposit Account No. 11-0600. A  
duplicate copy of this Transmittal is enclosed.

Respectfully submitted,

By: Richard L. Mayer (Reg. No. 41,172)

By:

Richard L. Mayer  
Richard L. Mayer  
Reg. No. 22,490

Dated: 12/31/02

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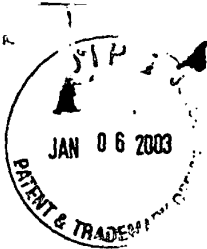
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New York, NY 10004  
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2813

#9  
1-14-3  
Robert  
EST

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[10191/1711]

#10  
1-143  
Robertson  
Election

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Signature

*Dervis Magistre*  
DERVIS MAGISTRE  
KENYON & KENYON

ELECTION WITH TRAVERSE

SIR:

In response to the office action dated September 16,  
2002, the following election is hereby made.

ELECTION

Applicants hereby elect with traverse the species of  
claims 18-23.

REMARKS

In this Office Action, the Examiner has issued a  
restriction requirement based on 35 U.S.C. § 121. This type of  
restriction is inappropriate for this application because it is  
a national stage application under 35 U.S.C. § 371, and only the  
unity of invention standard is appropriate for withdrawing  
claims from consideration in a national stage application. In  
particular, in basing the restriction determination on the  
standard set forth in the office action, the Examiner has  
ignored the strictures governing unity of invention  
determinations set forth in Rules 475 and 499. According to §